

NOV 28 2007

**Board of Vocational Nursing
and Psychiatric Technicians**

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-6292
Facsimile: (916) 322-8288

Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-920

JESSICA JORGENSEN,
a.k.a. JESSICA CAROL JORGENSEN,
a.k.a. JESSICA FREEMAN
P.O. Box 732
Corning, CA 96021

A C C U S A T I O N

Vocational Nurse License No. 173631

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this
Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about August 28, 1995, the Board issued Vocational Nurse License
Number VN 173631 to Jessica Jorgensen, also known as Jessica Carol Jorgensen and Jessica
Freeman ("Respondent"). Respondent's license will expire on June 30, 2009, unless renewed.

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4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)] for any of the following:

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6. Code section 2878.5 states, in pertinent part:

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1 (c) Be convicted of a criminal offense involving possession of any narcotic
2 or dangerous drug, or the prescription, consumption, or self-administration of any
3 of the substances described in subdivisions (a) and (b) of this section, in which
4 event the record of the conviction is conclusive evidence thereof. . .

5 COST RECOVERY

6 7. Code section 125.3 provides, in pertinent part, that the Board may request
7 the administrative law judge to direct a licensee found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
9 and enforcement of the case.

10 FIRST CAUSE FOR DISCIPLINE

11 (Criminal Convictions)

12 8. Respondent is subject to disciplinary action pursuant to Code section
13 2878, subdivision (f), in that she was convicted of crimes which are substantially related to the
14 qualifications, functions, and duties of a licensed vocational nurse, as follows:

15 a. On or about December 12, 1997, in the criminal proceeding titled *People*
16 *v. Jessica Carol Freeman* (Mini. Ct. Shasta County, Redding Branch, 1997, No. 97-7403),
17 Respondent was convicted by the Court on her plea of nolo contendere to one misdemeanor
18 count in violation of Vehicle Code ("V.C.") section 23152, subdivision (b) (driving while having
19 a blood alcohol level of 0.08% or higher)^{1/} with two special enhancements in violation of V.C.
20 section 23194 (passengers under the age of 14). The circumstances of the crime are that on or
21 about September 14, 1997, Respondent did willfully and unlawfully, while having 0.08% and
22 more, by weight, of alcohol in her blood, drive a vehicle. Further, Respondent drove said vehicle
23 while having two minors under the age of 14 as passengers in the vehicle.

24 b. On or about May 8, 2003, in the criminal proceeding titled *People v.*
25 *Jessica Carol Freeman* (Super. Ct. Shasta County, Redding Branch, 2003, No. 02F6157),
26 Respondent was convicted by the jury of one misdemeanor count in violation of P.C. section

27 1. Respondent was also charged with one count in violation of V.C. section 23152, subdivision (a) (driving
28 under the influence of alcohol or drugs), two counts in violation of Penal Code ("P.C.") section 273a, subdivision
(b) (cruelty to a child), and one count in violation of V.C. section 27360.5, subdivision (a) (permitting a child in a
vehicle without a safety belt); however, these charges were dismissed.

1 148, subdivision (a)(1), (resisting, delaying and obstructing a peace officer)^{2/}. The circumstances
2 of the crime are that on or about August 10, 2002, Respondent did willfully and unlawfully resist,
3 delay and obstruct Redding Police Officers D. and F. who were then and there peace officers
4 attempting to and discharging the duty of their office and employment.

5 c. On or about February 2, 2004, in the criminal proceeding titled *People v.*
6 *Jessica Carol Freeman* (Super. Ct. Shasta County, Redding Branch, 2004, No. 03-09772),
7 Respondent was convicted by the Court on her plea of no contest to one misdemeanor count in
8 violation of V.C. section 23152, subdivision (b) (driving while having a blood alcohol level of
9 0.08% or higher) and one misdemeanor count in violation of V.C. section 2800.1 (evading an
10 officer)^{3/}. The circumstances of the crime are that on or about December 1, 2003, Respondent
11 did willfully and unlawfully operate a motor vehicle while having 0.08% and more, by weight, of
12 alcohol in her blood, and with the intent to evade, flee and otherwise attempt to elude a pursuing
13 peace officer's motor vehicle.

14 SECOND CAUSE FOR DISCIPLINE

15 (Use of Alcoholic Beverages to an Extent 16 or in a Manner Dangerous or Injurious to Others)

17 9. Respondent is subject to disciplinary action pursuant to Code
18 2878.5, subdivision (b), on the grounds of unprofessional conduct. On or about September 14,
19 1997, and December 1, 2003, Respondent used alcoholic beverages to an extent or in a manner
20 dangerous or injurious to herself, others, and the public, as set forth above in paragraph 8,
21 subsections (a) and (c).

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25 2. Respondent was also charged with one count in violation of P.C. section 273a, subdivision (a) (child
26 abuse); however, the jury found her not guilty of this charge.

27 3. Respondent was also charged with one count in violation of V.C. section 23152, subdivision (a) (driving
28 under the influence of alcohol or drugs), one count in violation of P.C. section 148, subdivision (a)(1) (resisting,
delaying and obstructing a peace officer), and one count in violation of V.C. section 22450 (failure to stop);
however, these charges were dismissed.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Convictions Related to the**

3 **Consumption of Alcoholic Beverages)**

4 10. Respondent is subject to disciplinary action pursuant to Code
5 section 2878.5, subdivision (c), on the grounds of unprofessional conduct. On or about
6 December 12, 1997, and February 2, 2004, Respondent was convicted of criminal offenses
7 involving the consumption of alcoholic beverages, as set forth above in paragraph 8, subsections
8 (a) and (c).

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Dishonest Acts)**

11 11. Respondent is subject to disciplinary action pursuant to Code
12 section 2878, subdivision (j), in that she committed the following acts involving dishonesty
13 relating to the duties and functions of a licensed vocational nurse:

14 a. On or about July 20, 2003, Respondent submitted a Renewal Application
15 Licensed Vocational Nurse ("RALVN") to the Board wherein she swore, under penalty of
16 perjury, that the information contained therein was true and correct. As to the question on the
17 RALVN asking, "Since you last renewed your license, have you been convicted of or pled nolo
18 contendere to any violation of any law of any state in the United States or a foreign country?"
19 Respondent checked the box indicating her answer was "No". Respondent was dishonest in her
20 answer to this question as, subsequent to her last license renewal on or about July 5, 2001, she
21 was convicted on May 8, 2003, on her plea of no contest, to one misdemeanor count in violation
22 of P.C. section 148, subdivision (a)(1), as set forth above.

23 b. Complainant hereby incorporates the allegations made in paragraph 8(c)
24 above. At the time Respondent was being placed into custody for evading and driving under the
25 influence, the arresting officer asked her on two separate occasions if she had been drinking that
26 evening because he could smell the odor of alcohol on her breath. On both occasions,
27 Respondent denied having had any alcohol to drink. Respondent was dishonest in her

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1 answers to the officer's question as she was subsequently convicted of a violation of V.C. section
2 23152, subdivision (b) (driving while having a blood alcohol level of 0.08% or higher).

3 c. On or about April 14, 2005, Respondent submitted a Renewal Application
4 Licensed Vocational Nurse ("RALVN") to the Board wherein she swore, under penalty of
5 perjury, that the information contained therein was true and correct. As to the question on the
6 RALVN asking, "Since you last renewed your license, have you been convicted of or pled nolo
7 contendere to any violation of any law of any state in the United States or a foreign country?"
8 Respondent checked the box indicating her answer was "No". Respondent was dishonest in her
9 answer to this question as, subsequent to her last license renewal on or about July 20, 2003, she
10 was convicted on February 2, 2004, on her plea of no contest, to one misdemeanor count in
11 violation of V.C. section 23152, subdivision (b), and one misdemeanor count in violation of V.C.
12 section 2800.1, as set forth above.

13 MATTERS IN AGGRAVATION

14 12. On January 8, 1997, a Board investigator interviewed Respondent at her
15 residence after the Board received a written complaint that Respondent had allegedly been using
16 marijuana. During the interview, the investigator requested that Respondent provide an
17 unwitnessed urine sample. Respondent provided the sample to the investigator; however, the
18 temperature strip on the side of the urine collection bottle did not register. When the investigator
19 questioned Freeman about why her sample was cold she stated, "I should have used warm water.
20 You caught me. So now what?" The investigator requested that Respondent go to the Redding
21 Police Department in order to provide a valid urine sample witnessed by a female police officer,
22 but Respondent denied this request.

23 13. On or about April 16, 1997, the Board sent a letter to Respondent
24 following their investigation. Respondent was informed that the Board was unable to pursue
25 disciplinary action against her license at that time; however, she was advised of the authority
26 granted to the Board under Code section 2878.5 and warned that future substantiated reports that
27 she had engaged in similar behavior or otherwise violated the law or regulations governing her
28 practice as a vocational nurse may result in disciplinary action against her license.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
4 Technicians issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number 173631,
6 issued to Jessica Jorgensen, also known as Jessica Carol Jorgensen and Jessica Freeman;

7 2. Ordering Jessica Jorgensen, also known as Jessica Carol Jorgensen and
8 Jessica Freeman, to pay the Board of Vocational Nursing and Psychiatric Technicians the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.
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13 DATED: November 28, 2007.
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17 TERESA BELLO-JONES, J.D., M.S.N., R.N.
18 Executive Officer
19 Board of Vocational Nursing and Psychiatric Technicians
20 Department of Consumer Affairs
21 State of California
22 Complainant
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